IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11347 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAMESHBHAI BABUBHAI AHIR

Versus

MAHADEVBHAI KUWARJI DESAI

Appearance:

1. Special Civil Application No. 11347 of 2000

MR YV SHAH for Petitioner No. 1

Mr.Digant P. Joshi, ASSISTANT GOVERNMENT PLEADER for Respondent No. 1-3

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 14/02/2003

ORAL JUDGEMENT

RULE. Mr.Digant P. Joshi, the learned Assistant Govt. Pleader waives service of rule. With the consent of the learned advocates the matter is taken up for final disposal. Mr.Y.V. Shah, the learned advocate pointed

out that in similar matters this Court [Coram: D.M. Dharmadhikari, C.J. (as he then was)] has passed orders dated 18.02.2000 and 17.11.2000, which are at Annexures 'H' and 'I' respectively to the petition. Mr.Shah submitted that the facts of the present petition are similar to those two petitions, therefore, this petition may also be allowed with similar directions as were issued by this Court in the above matters. Taking into consideration the fact that the petitioner had been working as Groundman-cum-Chowkidar-cum-- Peon since 1988, it will be in fitness of things if similar directions are issued as were issued in those two matters. The respondents are directed to consider the case of the petitioner for regular appointment, if there are vacancies in the Department. Mr.Y.V. Shah states that there are vacancies in the Department and the same are not filled in on account of the ban imposed by the Government against recruitment. The claim of the petitioner for regular appointment be considered by the respondents within two months from the date of receipt of a written representation from the petitioner. With these directions the petition is allowed to the aforesaid extent. Rule is made absolute. No orders as to costs.

(Ravi R. Tripathi, J.)

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